

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law - 5<sup>th</sup> Floor  
P.O. Box 45029  
124 Halsey Street  
Newark, New Jersey 07101

**FILED**

March 14, 2005

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

By: Joyce Brown  
Deputy Attorney General  
Tel: (973) 648-4735

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

**IOSIF KLEYNERMAN, M.D.**  
**LICENSE #MA 47413**

: Administrative Action

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey Board of Medical Examiners upon receipt of information that Respondent entered into a Consent Agreement and Order on July 8, 2003 with the New York State Department of Health, State Board for Professional Medical Conduct ("New York Board") which, upon application by Respondent, was made a part of a Consent Order filed by the New York Board on July 24, 2003. On or about July 15, 2003 the New York Board filed a Statement of Charges against Respondent alleging in the First Specification that Respondent committed professional misconduct in violation of N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion in that he inappropriately prescribed

**CERTIFIED TRUE COPY**

controlled substances to certain identified patients. Respondent admitted guilt to the First Specification of the Statement of Charges and agreed in the Consent Agreement and Order to a penalty, including a license limitation permanently precluding the prescribing of any controlled substances as described in New York State Public Health Law Section 3306; a thirty-six (36) month license suspension, said suspension entirely stayed; a period of probation for thirty-six (36) months; and payment of a fine in the amount of \$30,000. In addition, the Board received information that on or about November 14, 1997, Respondent was excluded from the right to participate in the New York State Medicaid program.

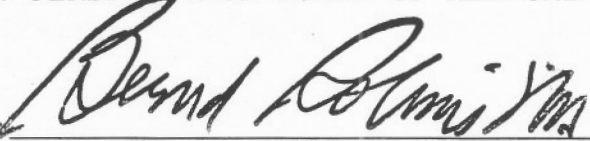
Based on the disciplinary action by the New York Board, and Respondent's failure to notify the Florida licensing board of the sanction by the New York Board, the State of Florida, Department of Health, Board of Medicine ("Florida Board") entered a Final Order on October 20, 2004 approving and adopting the Consent Agreement between Respondent and the State of Florida Department of Health approved on August 20, 2004, incorporated therein. By the terms of the Consent Agreement, Respondent received a Letter of Concern from the Florida Board, was assessed an administrative fine of \$7,500, costs in the amount of \$450.96 and his license to practice medicine was placed on probation until he provides proof that his New York medical license has been removed from

Jersey, he shall provide proof that his New York medical license has been removed from probationary status. Respondent shall appear before the Board or a committee thereof to demonstrate fitness and competency and show that his New York license is in good standing.

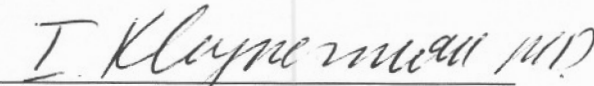
4. Respondent agrees to pay a civil penalty in the amount of \$2,500.00 within thirty (30) days of the entry date of this order by sending a certified check or money order to William Roeder, Executive Director, Board of Medical Examiners, P.O. Box 183, 140 East Front Street, Trenton, New Jersey 08625.

5. In the event Respondent holds a Drug Enforcement Agency (DEA) certificate, he shall immediately advise the DEA in writing and shall surrender his DEA controlled substance certificate privileges, and any unused DEA #222 U.S. Official Order Forms, Schedules 1 and 2 to the DEA.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By   
Bernard Robins, M.D., F.A.C.P.  
Board President

I have read and understand  
the contents of this Order  
and agree to be bound by  
its terms. Consent is hereby  
given to the Board to enter  
this Order.

  
IOSIF KLEYNERMAN, M.D.

probationary status and his New York medical license is in good standing and unencumbered.

Respondent has represented that he does not practice medicine in the State of New Jersey and he provided information of the discipline by the New York Board when he submitted information to this Board to complete the New Jersey Physician Profile in 2004.

The parties being desirous of resolving this matter and the Board finding the within Order to be adequately protective of the public interest and for good cause shown,

IT IS, THEREFORE ON THIS 14th DAY OF *Mr* 2005, HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey shall be and hereby is suspended for a period of thirty-six (36) months, said period of suspension shall be stayed and served as a period of probation. The period of probation shall be retroactive to and concurrent with the period of probation imposed by the New York State Department of Health, State Board for Professional Medical Conduct.

2. Respondent's license to practice medicine and surgery in the State of New Jersey is hereby permanently limited so as to preclude the prescribing of any substances described as "controlled substances" in accordance with New Jersey law.

3. At the conclusion of the period of probation, if Respondent wishes to be removed from probationary status in New

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

### **3. practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Medical Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in which the Practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

## **5. Probation/Monitoring Conditions**

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

**NOTICE OF REPORT ' ' PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.